

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RONALD BEAMAN,

Plaintiff,

vs.

No. CIV-10-0625 LH/LAM

**MONARCH RECOVERY MANAGEMENT
INC., et al.,**

Defendants.

**ORDER GRANTING IN PART DEFENDANTS' MOTION TO STAY DISCOVERY
(Doc. 17) AND AMENDED MOTION TO STAY DISCOVERY (Doc. 28)**

THIS MATTER is before the Court on *Defendants' Motion to Stay Discovery* (Doc. 17) and *Amended Motion to Stay Discovery* (Doc. 28).¹ Plaintiff filed his response (Doc. 21) on November 3, 2010, and Defendants filed their reply (Doc. 25) on November 15, 2010. The Court held a telephonic hearing on the motion on November 18, 2010, at which counsel for both parties appeared. *Clerk's Minutes* (Doc. 30). Having considered the parties' submissions, the parties' statements at the hearing, and the relevant law, the Court **FINDS** that *Defendants' Motion to Stay Discovery* (Doc. 17) and *Defendants' Amended Motion to Stay Discovery* (Doc. 28) shall be **GRANTED** in part and **DENIED** in part.

IT IS THEREFORE ORDERED that *Defendants' Motion to Stay Discovery* (Doc. 17) and *Defendants' Amended Motion to Stay Discovery* (Doc. 28) are **GRANTED** in part and **DENIED** in part as follows:

¹*Defendants' Motion to Stay Discovery* (Doc. 17), filed October 20, 2010, did not include Exhibit A. On November 17, 2010, Defendants filed *Defendants' Amended Motion to Stay Discovery* (Doc. 28) which is identical to the Motion to Stay except that it includes Exhibit A.

1. Defendants are not required to respond to Plaintiff's pending requests for production and interrogatories;
2. Plaintiff may file ten (10) new requests for production and ten (10) new interrogatories, *limited to the issues raised in Defendants' Motion for Summary Judgment and in Plaintiff's Amended Complaint*, by **Wednesday, December 8, 2010**;
3. Defendants shall respond to Plaintiff's pending requests for admission by **Friday, December 3, 2010**;
4. Plaintiff may take the deposition of Diane Mazzacano, whose affidavit is cited in Defendants' Motion for Summary Judgment,² or the individual who may prepare the affidavit for any possible amended motion for summary judgment; and
5. The Court will set a new Rule 16 scheduling conference when Defendants' Motion for Summary Judgment and possible amended motion for summary judgment are ruled on, if there are any issues remaining in this case.

IT IS SO ORDERED.

Lourdes A. Martinez
LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE

²The Court notes that Defendants cite to Ms. Mezzacano's affidavit in *Defendants' Motion for Summary Judgment and Memorandum of Points and Authorities* (Doc. 11) at 2, and indicate that it is attached as Exhibit A, however the affidavit is not attached to the motion.